



MIAMI BEACH

City Commission Meeting

SUPPLEMENTAL MATERIAL 2 (Handout)

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive

May 9, 2012

Mayor Matti Herrera Bower
Vice-Mayor Jerry Libbin
Commissioner Jorge R. Exposito
Commissioner Michael Góngora
Commissioner Edward L. Tobin
Commissioner Deede Weithorn
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez
City Attorney Jose Smith
City Clerk Rafael E. Granado

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

SUPPLEMENTAL MATERIAL 2

R7 - Resolutions

- R7D A Resolution Revising The "Special Events Requirements And Guidelines," By Amending The Following Sections: "Application Procedure," "Weddings And Ceremonies," "Product Promotion/ Temporary Sampling," "Minimum Requirements," "Internal Review Procedure," "External Review Procedure," "Vehicle Access Policy," "Booking Policy," "Concession Agreements," "Use Of Public Property," "Enforcement And Penalties," And Further Amending The Special Event Fee Schedule, And Hereby Permitting And Restricting Further Uses On Public Property.

(Tourism & Cultural Development)

(Corrections made to page 12, Sec. II, 1a, line 2: the words: "and what kinds" were stricken)

(Correction made to page 22: Subsection (e) was added)



MIAMI BEACH

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UPDATED ~~January~~ February March 2012

SPECIAL EVENTS REQUIREMENTS AND GUIDELINES

The City of Miami Beach ("City") hosts a wide variety of special events that enrich the community for both visitors and residents. To mitigate the ever-increasing demands made upon City resources and infrastructure, applicants are required to present proposed special event activities to potentially impacted neighborhood associations and appropriate City departments to ensure that these events are compatible with the surrounding neighborhoods. This process assists in evaluating and assessing the City's resources, both in terms of personnel and use of public property and right-of-ways, to adequately protect the public safety, health and welfare of the community.

This review may also require a more detailed and coordinated Major Event Plan, especially during holiday or repeat event periods that have a high impact on City services. The Special Events Ordinance (Chapter 12, Article II, Section 12-5 of the Miami Beach City Code) and the Special Events Requirements and Guidelines are intended, insofar as possible, to mitigate the costs of City services for special events, although it is not the intention that the costs of special events permit fees be used for revenue generation.

The intent of the Special Event Ordinance and the Special Events Requirements and Guidelines is:

- To insure the City will have adequate advance notice of a proposed special event and the cooperation of the organizers to adequately plan City services (such as security, sanitation, parking, and traffic control) that may be required for such an event.
- To insure that the City's beaches, parks, and public right-of-ways are protected and conserved, by limiting the number and type of events held in these areas; and
- To preserve the City's commitment to attract quality events with significant cultural and entertainment enrichment for the community at-large.

This Special Events Requirements and Guidelines package has been designed to help guide applicants through the process of applying for a special events permit, and to minimize disruption to the impacted surrounding environment.

Agenda Item R7D
Date 5-9-12

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Special Events Requirements and Guidelines

I. APPLICATION PROCEDURE

A City Permit is required for special events. A "special event" is generally defined by the City as a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review in accordance with this section. Applications are processed on a first come, first served basis, unless otherwise provided for under the booking policy herein (Section II. B).

A. **STEP 1: Application and Questionnaire Forms**

All persons or entities interested in conducting a special event must complete an application and questionnaire listing all required information. Please refer to Appendix A for a copy of the application and Section VII, Special Event Class Matrix, for breakdown on classes of event permits and their respective requirements.

I. **EVENTS ON PUBLIC PROPERTY**

1. Events taking place on public property, whether produced by a not-for-profit or for profit entity, with a maximum attendance of 150 people and requiring no city services (police, fire, parking, etc.) or building permits, as determined by the Office of Special Events, do require a special event permit from the City. Applications and questionnaires shall be submitted with a minimum of THIRTY (30) days notice, in order to process prior to the proposed event start date.

4.2. All Events taking place on public property, whether produced by a not-for-profit or for profit entity requiring city services (police, fire, parking, etc.) and/ or building permits, as determined by the Office of Special Events, and including, but not limited to, festivals, parades, performances, and broadcasts, require a special event permit from the City. Applications and questionnaires must shall be submitted with a minimum of SIXTY (60) days notice, in order to process prior to the proposed event start date.

II. **EVENTS ON PRIVATE PROPERTY**

1. Applications and questionnaires for events proposed to take place on private property where such event would be considered a 'special event' under the City's Special Events Ordinance and these Guidelines, and requiring no city services (police, fire, parking, etc.) or building permits, as determined by the Office of Special Events, shall be submitted with a minimum of FIFTEEN (15) days notice prior to the proposed event start date.

4.2. Applications and questionnaires for events proposed to take place on private property where such event would be considered a 'special event' under the City's Special Events Ordinance and these Guidelines, requiring city services (police, fire, parking, etc.) and/ or building permits, as determined by the Office of Special Events, require shall be submitted with a minimum of THIRTY (30) days notice prior to the proposed event start date.

It should be noted that events may only obtain special event permits on private property in facilities with current Certificate of Occupancy or Temporary Certificate of Occupancy.

Events or activities that do not require special event permits are recurring activities that are typically not open to the general public, and are customary and incidental to a permitted main or accessory use, whether by paid admission or not, and require no additional permitting.

Examples of customary uses for hotel properties include, but are not limited to: Weddings; Bar Mitzvah; Bat Mitzvah; Anniversaries; Baby Showers; Engagement parties; Wedding Showers; Holiday events; Awards functions; Networking Events; Fund Raisers; Charity Events; Incentive group functions (meetings, etc.); Corporate group functions (meetings); Convention group functions (meetings); Community based organization meetings; Reunions; Prom; Seminars; Sweet Sixteen; Press Conferences; Product Announcements; Political functions (including kick offs, election night or during a campaign).

Non-recurring events or activities that have extraordinary or excessive impacts on public health, safety or welfare, not normally associated in type or quantity with permitted main or accessory uses, **shall require a special event permit**. For example:

- When temporary structures are erected (South Beach Food and Wine Festival's "Bubble Q", Art Basel), etc.); or
- When a temporary occupant load is required; or
- Television, entertainment events or casting calls open to the public (American Idol) with public property impacts; or
- Musical performances (Winter Music Conference).

Conditional uses are recurring activities open to the general public, whether by paid admission or not, identified in the City's Land Development Regulations, and requiring a public hearing (e.g., Neighborhood Impact Establishments or Outdoor Entertainment Establishments such as Sky Bar, Raleigh Hotel Sunday Soiree, etc.).

Non-conforming uses in residential districts are prohibited from obtaining special event permits. Additionally, consistent with Section 142-693 (c), Section 142-302, and Section 142-485 of the City Code, special event permits will not be issued to non-conforming properties south of Fifth Street, or in the area generally bounded by Purdy Avenue on the west, 20th Street on the north, Alton Road on the east, and Dade Boulevard on the south.

III. **WEDDINGS, AND CEREMONIES AND TEAM BUILDING**

A Wedding, Ceremony and Team Building Permit allows for a ~~singular~~ single temporary use of public property in the City, other than within existing rental areas of the Parks Department. A Wedding, Ceremony and Team Building Permit allows for limited elements ("Elements"), defined as the following: chairs, runner, arch/-chupa, flags, banners, and other temporary markers, battery operated stereo, acoustical performer(s), riser (48" or less) and a single 10'X10' pop up tent. Any additional Elements or activity exceeding the Guidelines and restrictions (see below), inclusive of an adjacent reception would require special event permitting, or prior written approval of the City Manager or his/her designee.

REQUIREMENTS:

1. A completed Wedding, Ceremony and Team Building Permit application, detailing exact location, date, times, Elements and number of attendees shall be submitted no less than ~~30~~ FIFTEEN (15) days prior to wedding/ceremony.
2. A site plan of the wedding, ceremony or team building area and Elements, detailing area features and showing measurements of entire site.
3. A \$125.00 Wedding, Ceremony and Team Building Permit fee, payable to The City of Miami Beach and due before commencement of activity.
4. Approved signature survey from any upland property owners and all contracted or concession user(s) if the area requested falls within a contracted or concession use.
- ~~3-5.~~ Team Building Permit applicants are also required to provide a \$2,500 security deposit, as well as General Liability Insurance and a notarized Indemnity Agreement as specified in Section VII of the Special Event Requirements and Guidelines.

RESTRICTIONS:

- ~~1. A Wedding/Ceremony Permit can accommodate no more than 100 (one hundred) people, inclusive of guests, wedding party, acoustic performers, etc.~~
1. A Wedding/-Ceremony and Team Building Permit shall accommodate no more than one hundred and fifty (150) people, inclusive of guests, wedding party, performers, etc.
2. All approved Elements shall be hand carried or carted to site. Vehicles will be permitted in areas designated for authorized use only, including beach/sand, parks, sidewalks, pedestrian access areas, with prior written approval of the City Manager or his/ her designee approval and vehicle beach access passes (\$150.00 ea.) in conformity with Beach Vehicle Access Policy herein (Section D. II. A.).
- 2-3. Any promotional elements including, but not limited to sampling, branding or logos are strictly prohibited.
- 3-4. From April-May 1st through October 31st additional restrictions will apply per State of Florida Department of Environmental Protection ("DEP") Marine Turtle Guidelines. DEP permits may be required throughout the year.
5. Following the wedding/-ceremony or team building event, the beach and/or public property must be left in as good, if not better, condition. Applicants must arrange to clean the area immediately following the wedding/ceremony.
- 4-6. Failure to comply with Wedding/-Ceremony or Team Building requirements may result in citation to permittee and denial of future Wedding/ Ceremony permits.

IV. MARKETS - For information on how to become a market producer or vendor, please contact the City of Miami Beach Procurement Department at 305-673-7490.

V. PRODUCT PROMOTION/ TEMPORARY SAMPLING - A Temporary Sampling Permit allows for the non-permanent and mobile distribution of single serving goods or services to the public with no direct or indirect commercial exchange provided on public property within the commercial and mixed-use zoning districts of the City.

REQUIREMENTS: Applicants wishing to procure a Temporary Sampling Permit shall provide the following information to the City's Department of Tourism and Cultural Development no less than 10 working days prior to said activity:

1. Application for Temporary Sampling Permit.
2. Samples and/or descriptive literature of products or services to be distributed.
3. Quantity of product(s) to be distributed.
4. General Liability Insurance of no less than One (1) Million U.S. dollars or equivalent value naming the City of Miami Beach as additional insured and certificate holder including the City's address as per Section A VII (INSURANCE REQUIREMENTS). The certificate must not be older than 90 days.
5. Completed, executed and notarized Indemnification, holding the City of Miami Beach harmless for all approved activities as well as from effects of products or services sampled.
6. A permit fee of \$2,000.00 per singular team, per day, payable to the City of Miami Beach and due before commencement of activity. A singular team is defined as no more than five (5) people in total distributing the same product in the location specified on the permit or within 500 feet of that location. This fee is refundable if permit is cancelled or denied.
7. A security deposit of \$2, 500.00 is due upon submission of application. Security deposits will be refunded approximately 4-6 weeks post activity, if all restrictions are followed, public property is left in as good or better condition than when activity commenced, and all City invoices are paid. Failure to comply with restrictions imposed automatically results in forfeiture of up to full value of security deposit.
8. Identify location where the temporary sampling activity will occur.

RESTRICTIONS:

1. Permittee or his/her representative must maintain the original permit with them during the activity.
2. Permit is valid for only one singular team of no more than five (5) people in total for the location specified in the permit or within 500 feet of that location.

3. Permit is valid only for date(s) issued.
4. Permit is valid only for approved product(s) as presented in application and printed on permit.
5. Permittee is solely responsible for comprehensive sanitation of any and all areas utilized and their surrounding areas, inclusive of ensuring any sample by-product or literature discarded by the permittee, his/her representative, or the public is removed and discarded appropriately.
6. Permittee or his/her representative may not at any time erect tables, tents, chairs, banners, flags, fencing, inflatables, signs or other elements in public areas or right of ways.
7. Permittee or his/her representative may not at any time attach posters, flyers, stickers or other elements on buildings, trees, lightpoles, newspaper racks, telephone booths, or other public elements. Hand to hand distribution of information must follow City's Handbill Ordinance, as codified in Article 3, Section 46 of the City Code. A Temporary Sampling Permit shall not be required for the distribution of literature, periodicals or other non-product or service related materials, as long as it has no exchangeable or redeemable value.
8. Permittee or his/her representative may not reserve meters for the parking of promotional vehicles (skinned or unskinned). Any and all parking must be in accordance with the City parking regulations.
9. Permittee may not distribute materials from moving vehicles.
- ~~9-10.~~ Permittee or his/her representative may not employ any generators, use electrical outlets or require, install or lay wiring across the public right of ways.
- ~~10-11.~~ Permittee or his/her representative must maintain no less than five (5) feet of unobstructed public access on sidewalks at all times.
- ~~11-12.~~ Permittee or his/her representatives are bound by the Miami-Dade County and City of Miami Beach Noise Ordinances at all times.
- ~~12-13.~~ If Permittee wishes to distribute material in an area contracted or permitted for concession, outdoor café, event, filming or other such use, Permittee must provide approved signature survey form from affected party.
- ~~13-14.~~ Permittee or his/ her representative may not sample within twenty (20) feet in any direction from the outside perimeter, as indicated in the site plan attached to the city issued permit, of any outdoor cafe, outdoor restaurant, sidewalk cafe or other establishment serving food or beverages for immediate consumption, without the express written permission of proprietor of such business;
- ~~14-15.~~ The City does not permit stand alone product promotion events. Product promotions are only permitted for sponsors of permitted special events as defined herein—and only within the permitted boundaries of such special event.

PENALTIES: Violators of terms of a Temporary Sampling Permit may be subject to one or more of the following:

- Revocation of permit and immediate cease and desist order issued.
- Forfeiture of full or partial security deposit at discretion of City Manager or his/ her designee.
- Subsequent doubling of previous security deposit for future applications.
- The product and/or other products from parent company will be restricted from distribution in any future Temporary Sampling Permits for a period to be determined by the City Manager or his/ her designee.
- Fines and further penalties as Article II, Section 12-5 (9) of the City Code.

VI. RIDES AND AMUSEMENTS - The City does not allow for-profit carnivals, amusement parks, or carnival-related mechanical amusement rides.

VII. MINIMUM REQUIREMENTS - The minimum requirements to apply for a Special Events Permit are:

- **APPLICATION/PROCESSING FEE** – This fee is non-refundable and must be made payable to the City of Miami Beach at the time of application. Please see attached Fee Schedule (Appendix D) to determine fee amount.

- **LATE APPLICATION FEE** – This additional fee, equivalent to the applicable application fee, will apply to all applications received after the ~~noted deadlines (60 days on public property/ 30 days on private property)~~ noted in sections A.I.1 and A.I.2 (Page 4). Any application submitted less than fifteen (15) days from event date may not be reviewed, regardless of late application fee.

PLEASE NOTE: Late Application Fees cannot be waived.

- **PERMIT FEE** – This fee is refundable if application is denied and must be made payable to the City of Miami Beach at the time of application. Please see attached Fee Schedule (Appendix D) to determine fee amount.
- **SECURITY DEPOSIT** (\$2,500 for events up to 1500 attendees/ \$5,000 for events with between 1500 and 5000 attendees/ \$10,000+ for events with more than 5000 attendees)- A refundable security deposit will be required no later than ~~thirty-fourteen (1430)~~ days prior to the event. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded as soon as possible (approximately 4—63 - 4 weeks after the event) if all conditions are followed, public property is left in as good condition or better and without damage, any pending Code citations are satisfied and all City invoices are fully paid. -Failure to comply with restrictions imposed may result in forfeiture of up to the entire amount of —or part—the security deposit, as per Section III, Enforcement and Penalties.

Any post-event balance or fines owed to the City, its employees, Departmental or Facility charge/expenses, damage, repair or replacement cost(s), etc. may be deducted from the security deposit. Any unpaid balance owed exceeding the security deposit will be cause for refusal to accept future special event permit applications. Such applications will not be considered until all outstanding debts to the City are paid in full (i.e. License Fee, Code Enforcement Lien, Special Assessment Lien and/or any other debt or obligation due to the City under State or local law).

PLEASE NOTE: Security deposits cannot be waived.

- **INDEMNITY AGREEMENT** - An Indemnity Agreement must be executed and notarized with an original and legally authorized signature and, if a corporation is the applicant or the application is filed on behalf of a corporation, the company seal must be affixed to the document. The Agreement must be submitted no later than ~~thirty fifteenfourteen (30145)~~ days prior to load in of the event.
- **INSURANCE REQUIREMENTS** - The City of Miami Beach must be named as an additional insured and policyholder on all insurance certificates issued for the event.

All insurance policies must be issued by companies that are authorized to do business in the State of Florida, and have a rating of B+VI or better in the current edition of Best's Key Rating Guide. The Certificate of Insurance must state the time, date, location and name of the covered event, including set-up and breakdown day(s), date(s), and time(s). Applicants have the option of submitting a Certificate of Insurance for each policy year.

The City of Miami Beach reserves the absolute right at its sole discretion to increase these requirements, as necessary, to protect the interests of the City, including an increase in the amount and type of coverage required, depending upon the scope and nature of the special event.

- **Commercial General Liability** - Commercial General Liability insurance, on an occurrence form, must be obtained in the amount of at least \$1,000,000 per occurrence for bodily

injury, death, property damage, and personal injury. The policy must include coverage for contractual liability.

- *Worker's Compensation And Employer's Liability* -Contractors must submit proof of Workers' Compensation and Employer's Liability in the form of a Certificate of Insurance. All other State regulations apply.
- *Liquor Liability* - If alcoholic beverages are to be sold or served at the event, the group or individuals selling or serving the alcoholic beverage must obtain Liquor Liability Insurance in the minimum amount of \$1,000,000. The sale of alcoholic beverages must be in compliance with the Liquor Control Regulations of the Code of the City of Miami Beach.

The City's Risk Manager must approve the Certificate of Insurance. Once approved, the Certificate will be kept on file in the City's Risk Management Division. The insurance requirements must be met no later than ~~thirty fifteenfourteen (301415)~~ days prior to load in of the event.

PLEASE NOTE: Insurance requirements cannot be waived.

- **SITE PLAN** - A preliminary site plan ~~shall must~~ be submitted ~~no less than 60 days prior to the eventwithh the event application.~~ A final site plan must be submitted no later than ~~30 fourteen~~ (14) days prior to the event.

The site plan must show detailed diagram(s) drawn to scale of the event including: the location of concession booths, portable toilets, dumpsters, public, emergency and accessible routes, location of stages and entertainment and orientation of loudspeakers, locations for electricity and water, generators, lighting towers, A/C units, fenced or walled areas, disability access elements such as accessible parking, accessible paths of travel, accessible portable toilets, and other relevant elements. All generators, lighting towers and A/C units must be fenced in or barricaded to prevent crowds from coming into contact with them. In addition, a narrative describing all temporary installations must be attached for beachfront events. For purposes of herein, "beachfront" is described as seaward of the Coastal Construction Control Line. Once the site plan is approved it cannot be altered without the prior written consent of the City Manager or his/ her designee.

REINSTATEMENT FEE – If required event elements are not submitted within ~~fifteenfourteen (145)~~ days prior to load in of event, the Permit Application will automatically be considered denied. The applicant may reinstate the application upon submission of any pending requirements and a Reinstatement Fee equal to the applicable Permit Fee.

PLEASE NOTE: LATE SUBMITTAL Fees-REINSTATEMENT FEES cannot be waived.

B. STEP 2: Internal Review Procedure

All proposed events with projected attendance of 200 persons or greater on public property, or private property where such event would not be incidental generally or without restriction throughout a particular zoning district, will be reviewed by the City's Internal Special Events Committee. The Internal Special Events Committee meets monthly and is composed of representatives from City departments, including, but not limited to Police, Fire, Tourism and Cultural Development, Public Works, Parking, Planning, Code Compliance and Parks Departments. The Committee will review and comment on the proposed site, security, parking, transportation, and any and all other necessary plans for the proposed event. These comments will be incorporated with those received through the neighborhood review process. Tourism and Cultural Development Department staff will indicate the specific requirements the applicant will need to satisfy and the time frame for completing these requirements.

The City Manager will make a final determination on an application for a special events permit within

seven (7) days after all special events requirements applicable to the event have been fulfilled. Such requirements must be fully completed by the applicant no later than thirty (30) days prior to the event. Some requirements may require more time.

No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times.

For special events produced by ~~501(c)(3)~~ **501(c)(3)** ~~not for profit organizations (or equivalent)~~, the City Manager may waive permit and application fees, including but not limited to, rental fees for particular City properties, ~~square footage rates for exclusive use of public property, concessions agreements for paid admissions fees, and sale of food, beverage and merchandise on public property~~, when such waiver is found to be in the best interest of the City. No waivers are allowed for personnel-based expenses (city services), security deposit, late application or late submittal fees. In determining waiver of permit fees, no consideration may be given to the message of the event or content of speech, or to the identity or associational relationship of the applicant. Non-profit 501(c)3 entities are required to provide the City with a copy of the most recent Internal Revenue Service Form 990.

- I. **Major Event Periods (MEP)** – The City first evaluates the City's needs, impacts and quality of life issues during MEP's. The City will then also specifically evaluate the impact of events proposed to take place during holiday weekends and major event periods, which create a significant demand on City services and resources. The City may determine an MEP to have high intensity on City services and, therefore, may prohibit the issuance of special events permits during these periods. The City may also determine that enhanced City services are required during such periods. In such instances, costs for enhanced services will be shared equally by and between all permitted events.

The City has identified a ~~minimum of ten (10) holiday and the following repeat or somewhat regular~~ event periods which historically have a high impact on City services. It is realistic to expect these activity periods to continue to be popular in Miami Beach, bringing large crowds that will require additional City service levels and interagency support. These MEP's include, but are not limited to, the following:

- ~~October - Columbus Day Weekend~~ Halloween
 - ~~November - Thanksgiving Holiday~~ Sleepless Night, White Party Weekend
 - ~~December - Art Basel, New Years Eve~~
 - ~~December - New Years Eve~~
 - ~~January - Orange Bowl Games, Art Deco Weekend~~
 - ~~January - Martin Luther King, Jr. Holiday~~
 - ~~February - Miami International Boat Show, Brokerage Yacht Show, Food & Wine Festival, and Super Bowl~~
 - ~~March - Winter Music Conference, Winter Party/Sports and Fitness Festival~~
 - April - Pride Weekend
 - May - Memorial Day Weekend
 - July - Independence Day Celebration, Swimwear Fashion Week
 - September - Labor Day Weekend
- **The Major Events Committee** will take note of announced events and potential events of significance and initiate customized action plans. Each City department has specific action plans to address the requisite levels of service and outline their efforts and responsibilities associated with any upcoming major event planned within the City.
 - **Major Event Plan** - The Major Event Plan attempts to address the impact of an event and set forth the action plan involved from a preparation and implementation perspective and sets forth each City Department's service levels contingent upon anticipated population levels associated with each MEP and ancillary/related events.

- II. **Criteria for Grant of Special Event Permit** - The City Manager shall be charged with the responsibility and authority to determine whether a particular applicant shall be granted a special events permit. The City Manager shall have sole authority, subject to the appeal process in STEP 3 of the Guidelines, to approve, approve with conditions, deny, and/or revoke a special event permits upon considering the following factors:

1. Type of Event

- a. The type of Event covers aspects of the event that relate to what demands the City is likely to experience and ~~what kinds and/or numbers of~~ attendees can be expected. Other ~~benefits or detractors~~ positives or negatives may stem from the hosting of one show versus another. Community profile, reoccurrence, and nature of the venue all are components to be evaluated in the Type of Event category.
- b. Another important aspect of is the value of ancillary events and conferences that may surround the event (other smaller shows / events). These may or may not be side events directly managed, or a part of, the event under review, or may be shows and conferences from other sponsors that take advantage of the attendee population ~~resident at~~ of the main show. The venues for these other ancillary shows could be local hotels, arenas and parks, and in support of the large event. Side events of this type may be considered a positive, from the additional economic impact they may provide, or they may be considered a detriment, depending on the nature and history of these side events.
- c. Whether or not the event is conducted for an unlawful purpose and/or in violation of Federal, State, County or Municipal laws.
- d. The existence of conflict or interference with another event or another applicant who has obtained a valid special event permit. When there are competing applications which are substantially for the same time and place, priority will be given on a first-come, first-served basis, but a first priority will be given to a pre-established, annual event, which is defined as one which has a minimum of five (5) consecutive years of existence in the City under the same ownership, is in good standing (which includes being current on all prior debts), and has complied with other applicable all obligations to the City in a timely fashion.
- e. Whether the event, if public (as opposed to a privateized or corporate use), features a public benefit component as its primary function and is not, in and of itself, largely a promotional use designed to advertise or create publicity for product(s) to the public.

2. Economic Impact to the City

- a. The City will consider the event's long-term, short-term, and indirect effects on profit/costs to local economic industries, including but not limited to hotels, restaurants, entertainment establishments, retail, and the City.
- b. The City will also consider events undertaken by not-for-profit organizations that demonstrate directly helping a charitable cause.
- c. An Economic Impact Survey is required to determine if an event has demonstrated a positive economic impact to the City.

3. Infrastructure and Service Demands (Quality of Life)

- a. The City will consider whether the event is compatible with the surrounding neighborhoods and complements the ambience and aesthetics of the area in which it is presented.
- b. The City will consider whether the event poses a public threat to residents, businesses, and visitors, not considering content of speech, message, or reaction to the message.

- c. The stress that a show may place on various City services is considered in the evaluation process. Expenses associated with additional crowd control, policing, security, parking, and traffic shall be considered.
- d. The City will also consider the availability of these needed resources including time, people, money and equipment.
- e. Additionally, more intangible aspects of the effects that an event may have, relating to the quality of life aspects that may positively or negatively impact the local flavor of the City and the lives of the resident population, are also considered in this area, including the urgency of the event, the realistic time frame, and other events taking place in the City and South Florida area at the same time.
- f. Interference with traffic in the area contiguous to the event, and availability at the time of the proposed event of sufficient City resources to address the events potential impacts and mitigate the potential disruption.
- g. Availability of police officers, traffic control aides and traffic control equipment to protect the participants in the event and protect the non-participants from traffic related and other hazards in light of the need and demand for police protection at the time of the proposed event.
- h. Concentration of persons, vehicles or other structures at the event and feasibility of disbanding the area in order to allow fire, police and ambulance services.
- i. Substantial likelihood of subjecting neighborhood in immediate vicinity of proposed site of event to unreasonable and prolonged noise, littering, or parking difficulties.
- j. City services required for the event cannot be reasonably made available at the time of the proposed event.

4. References

- a. The event shall provide references from other locations that it has used. The evaluation should consider not only the references themselves but the quality of the references and the sources from which they come. A list of references that cover not only the previous venues for that event, but also the references from that City, its police and any civic organization that the past venue impacted showing the good citizenship and positive economic impact the event has had in other places where it has been held.
- b. Whether same or similar event has a history of causing or resulting in a threat to public safety in Miami Beach or elsewhere, except that if the public safety problem was caused by crowd reactions to the event's message, this factor alone, shall not be sufficient cause to deny or revoke a City special event permit.
- c. Material misrepresentation or incorrect material information made in the application process. Prior to a denial or revocation based on this factor, the City Manager shall give the applicant an opportunity to cure, satisfactorily rebut, or revise such evidence.
- d. Failure to complete payment of any sums required for a previous event until such time as payment is received.
- e. Failure to substantially perform a clean-up plan which was made a condition of a previous permit.
- f. Failure to adhere to City policy as prescribed by the Special Events Requirements and

Guidelines, or other applicable laws where the health, safety and welfare of the community is potentially affected.

5. Promotional Value

- a. Is the event under consideration a high profile event with good name recognition and a good reputation? The evaluation must try to assess the importance of having the City and the event linked in the press. All positive results that may be derived from the association should be considered. It may be that the value of having the event lies in the other high profile events that traditionally follow this one.
- b. Also, positive publicity surrounding a high profile event may have had the effect of long term increases in local tourism and free positive publicity for the area as a whole, increasing general business activity.

No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner and place on account of any message which may be conveyed at an event, or on account of the identity or associational relationships of the applicant.

No permit shall be denied nor shall the applicant for a permit be given less favorable treatment as to time, manner, or place on account of any assumptions or predictions as to the amount of hostility which may be aroused in the public by the content of speech or message conveyed by the event, provided that reasonable accommodation as to time, manner and place may be required in order for the City to provide the resources necessary for protection of health, safety and welfare.

No event applicant or permittee, shall be required to provide for, or pay for the cost of, public safety personnel necessary to provide for the protection of an event and its attendees from hostile members of the public or counter-demonstrators, or for traffic control outside the event area or for general law enforcement in the vicinity of the event.

III. **Criteria for Approval of Permit** - After all required elements are completed, and City Departments and impacted neighborhoods have reviewed and submitted their comments regarding an application, the City Manager shall do the following:

- Approve the permit;
- Approve the permit with conditions; or
- Deny the permit upon conditions (as set forth in these Guidelines).

If the permit is approved, the City Manager, in consultation with the heads of the affected City Departments, shall also impose any necessary restrictions or conditions as to the time, manner and place to be observed in accordance with public safety, environmental and administrative considerations (based upon the application), provided that such considerations shall not include any consideration of the content of any speech or message that may be conveyed by such event, nor by any considerations concerning the identity or associational relationships of the applicant, nor to any assumptions or predictions as to the response that may be aroused in the public by the content of speech or message conveyed by the event.

After the City Manager approves the issuance of a permit, the applicant may obtain such permit by agreeing to accept the "Terms and Conditions" imposed in accordance with these Guidelines.

If the City Manager denies or subsequently revokes a permit, he will provide the applicant/permit holder with written notification and reasons for the denial/revocation of the permit (which shall be consistent with the criteria in these Guidelines). It is understood and inherent as part of the application process and agreed to upon by applicant upon submittal of the application, that application does not constitute approval and any and all marketing or production expenses incurred are solely the responsibility of the applicant and not the responsibility of the City regardless of the application's approval or in the event of denial.

- IV. *Natural Disaster/Weather*** - The declaration of an emergency, threat or a natural disaster, including extreme weather or the existence of a national threat, shall be just cause for the denial or revocation of a Special Event Permit.

Under extreme weather conditions, including lightning storms, the City may temporarily suspend all operations or cancel an event.

C. STEP 3: External Review Procedure

Special events in the City of Miami Beach are subject to review and recommendation by the corresponding neighborhood or business association(s) and/ or as part of a monthly Special Events Community Review. Applicants will be required to present their plans to the appropriate neighborhood association. In the case where there is no legally constituted/recognized association and the expected event attendance exceeds 200, the matter may be referred to the City of Miami Beach Planning Board for review and recommendation. Recommendations from the respective associations or the Planning Board, stating its position on the proposed event, should be submitted to the Special Events Office at least 30 days prior to the event.

The City will only recognize neighborhood associations that have filed for and received official neighborhood status. In order to receive official neighborhood status, organizations must meet the City's criteria. The City's criteria and a list of recognized neighborhood associations can be found on the City's website at www.miamibeachfl.gov.

The City Manager shall consider recommendations from neighborhood association(s) in determining whether to grant a Special Event Permit or what conditions to impose upon granting of the permit. Notwithstanding, the City, through the City Manager, reserves the right to approve, approve with conditions, deny, and/or revoke any Special Event Permit.

Permits may not be transferred, assigned or sublet, without prior written approval of the City Manager. The final decision for authorization of a Special Event Permit remains with the City Manager subject to an appeal as follows.

In the event of a lack of consensus between the neighborhood association(s) (or Planning Board) and the City Manager regarding a decision on a permit, the association(s) (or Planning Board) may appeal the Manager's decision to the Mayor and City Commission for consideration at its next available meeting. The appeal must indicate in writing the association's (or Board's) reasons for disagreement with the Manager's decision in approving or denying the permit being appealed. Such appeal also must be accompanied by a written resolution of a majority of the board of the association (or the Planning Board) indicating the decision to file the appeal. The Mayor and City Commission may affirm, modify or reverse the decision of the City Manager.

If the date scheduled for the proposed event arrives before the next available Commission meeting, the decision of the Manager will be final. If approval of the proposed event is delayed such that the event cannot be held on the date(s) and time(s) specified in the permit application, or if the event is not approved at all, the City will not be held liable for any expense(s), losses, or liabilities or other inconveniences incurred by the applicant as a result of same.

D. STEP 4: Coordination of City Services

Special events often require the supplementing or hiring of City services. The City's Special Events Office will review comments received during the internal and external review processes and will determine minimum staffing levels, with recommendations from the relevant Department directors. The City may also determine that enhanced City services are required during Major Event Periods (MEP's) in order to mitigate excessive stresses on City resources. In such instances, costs for enhanced services will be shared equally by and between all permitted events. The City assumes no liability arising or resulting from

the determinations of minimum staffing levels or the requirements for any events.

A list of frequently required services is provided herein.

Fully paid receipts/invoices for required supplemental or City services and equipment rental must be submitted to the Special Events Office no less than two (2) weeks prior to an event. Any additional services rendered by the City for the event will be charged to the applicant and may be deducted from the security deposit. When City personnel are employed, there will be a four (4) hour minimum charge rendered by the appropriate Department to compensate each employee engaged by the applicant.

II. ADHERENCE TO REGULATIONS AND OTHER POLICIES

The City of Miami Beach reserves the right to provide services that it believes are necessary and sufficient to safeguard and ensure the health, safety and welfare for all participants, visitors, businesses, staff and general citizenry. All arrangements for services or facilities shall be staffed and paid for at least two (2) weeks ~~fifteen (15) days~~ prior to load-in of the event. An applicant's budgetary constraints cannot dictate staffing levels required for public safety.

In addition to compliance with all applicable Federal, State and County regulations, the applicant shall comply with all City codes, regulations, and laws. Any other permits, as may be required by the City of Miami Beach, Miami-Dade County, the State of Florida, or the Federal government, must be obtained and adhered to. It is the sole responsibility of the applicant to obtain all permits and comply with all requirements, including but not limited to those described herein.

The City of Miami Beach, under no circumstances, guarantees, warrants or represents that the issuance of a Special Event Permit exempts the event from obtaining, or ensure the obtaining of, any permits or complying with any requirements which may be required currently or in the future by any Federal, State or local authorities, including other permits that may be required by the City.

The City Manager has the authority to alter or end an event at any time it is determined necessary to assure the continued health, welfare and safety of the City's residents and visitors. Lack of compliance with the City Manager's directives, including but not limited to, audio volume and adherence to site plan, shall be sufficient cause to warrant an event's closing (or other remedies provided in the City Code or herein).

Issuance of a required Federal, State, or local permit does not authorize permission to hold an event. A City Special Event Permit must be issued to constitute authorization from the City to hold the activity.

All pre-payment schedules for City services are due, as indicated, except the City reserves the right to waive this requirement for events which have an exemplary prompt payment history with the City established over the course of at least five (5) years.

- A. **Beach-Vehicle Access Policy — Use of beaches, parks or pedestrian areas for event related vehicles should be minimized, and** ~~Whenever possible, All Terrain Vehicles (ATV's), all terrain gators, and/or golf carts should be utilized by event producers for events taking place on the beach or in pedestrian areas such as parks. Notwithstanding the above, certain events taking place on the beach, in parks or other authorized use areas may require vehicular access to the beach such areas for the purposes of loading-in and out of equipment for the event, all such vehicles, and must be removed from from the beach such areas immediately thereafter. There is a vehicle access fee of \$150.00, per vehicle, per event. Event producers may purchase a maximum of ten (10) Vehicle Beach-Access Permits per event, unless additional passes are approved by City Manager or his/ her designee. A Vehicle Beach Access Permit will be issued by the Special Events Office and must be displayed on the windshield of any every vehicle on the beach. For any beach access, a~~ All such vehicles must be escorted on and off the beach ~~beach~~ by either City of Miami Beach Off-Duty Police, Off-Duty Police or Beach Patrol Ocean Rescue. All other authorized access uses (i.e. in City parks) -may require escort by City of Miami Beach Police, Off-Duty Police or Ocean Rescue or other designated City employee(s). All vehicles will be restricted to the location(s) listed on the permit. The event producer will be required to provide to the

Special Events Office a Management of Transportation (MOT) plan for all vehicular traffic on the beach. The MOT plan must be approved by the Off-duty Police coordinating officer.

All operating vehicles on the beach, park or other authorized use area ~~beach~~ shall follow the procedures listed herein:

- o Due care and caution will be utilized at all times while driving any vehicle on the beach, park or other authorized use area ~~beach~~.
- o All vehicles on the beach, park or other authorized use area ~~beach~~ shall enter and depart the area ~~beach~~ at the nearest access point to the call.
- o Prior to entering the beach, park or other authorized use area ~~beach~~ area, vehicle headlights and overhead flashing lights (if equipped) or flashers will be turned on.
- o Drivers must turn off radios and shall roll down both the passenger and driver's side front windows of their vehicle while operating a vehicle on the beach, park or other authorized use area ~~beach~~.
- o Maximum speed allowed on the beach, park or other authorized use area ~~beach~~ is 5 MPH.
- o Vehicles, SUVs, and trucks are prohibited from driving on the **soft sand** where hard pack sand exists.
- o Vehicles, SUVs, and trucks shall stay **west** of the garbage cans on the **hard pack** pack sand at all times.
- o Do not drive over hills or berms (dunes) or near objects that may obstruct your view.
- o If you stop and exit your vehicle, walk completely around the vehicle prior to reentering your vehicle and moving it.
- o Traffic cones (orange, 18" high) must be placed at the front and rear of vehicles when parked on the beach ~~beach, park or other authorized use area~~.
- o Use of a cellular phone or walkie talkies while the vehicle is in motion is **prohibited**.
- o Personal vehicles are prohibited on the beach, park or other authorized use area ~~beach~~ at anytime ~~all times~~.

These procedures are to be complied with at all times by anyone operating a vehicle on the beach, park or other authorized use area ~~Beach~~. Failure to comply with these procedures may result in immediate revocation of the permit and termination of the event.

B. Booking Policy - Public locations are booked on a first-come, first-served basis, but a first priority will be given to pre-established, annual events, which are defined as those events having a minimum of five (5) consecutive years of existence in the City under the same ownership; which are in good standing (which includes being current on all prior debts); which have complied obligations in a timely fashion to the City; and which have demonstrated a positive economic impact on the City of Miami Beach.

A special event shall not be booked if it interferes with a previously scheduled activity, event or repair work scheduled for the proposed site. The City Manager may take into account simultaneously occurring events in the region or other factors that would impact the City's capability to host an event before approving an event.

Dates and locations are reserved on a first-come, first-served basis upon submission of a completed Special Event Application and payment of the Application Fee. Applications are NOT considered as confirmed until all required documentation and payments, as specified in the City's Special Event Requirements and Guidelines, are received by the City.

Dates and locations may be reserved on a Second Hold basis by another applicant if the Second Hold applicant's event is the same or higher level of class of event as the First Hold applicant's event (see Section VII, Special Event Class Matrix, for breakdown on classes of event permits and their respective requirements). A Second Hold applicant may challenge a First Hold application if the City has not received all required documentation and payments, as specified in the City's Special Event Requirements and Guidelines. If a Second Hold application challenges a First Hold applicant, the First Hold applicant will be required to post a cash bond in the amount equal to the estimated cost of City services (i.e. Off-duty Police, Off-duty Fire and Sanitation, etc...) within fourteen (14) days of receipt of notice from

date/location challenge from the City. Additionally, the Second Hold applicant must post a cash bond in the amount equal to the estimated cost of City services at the time of the date challenge.

If the First Hold applicant fails to provide the City with the specified cash bond within 14 days of receipt of notice, the Second Hold applicant will then have a First Hold on the dates and location.

If both parties fail to post a cash bond, the dates and location are released and will be made available on a first-come, first served basis.

Bonds: All bonds MUST be either an original bond executed by a surety company, or by cash, money order, certified check, cashier's check, Unconditional Letter of Credit (Form 00410), treasurer's check or bank draft of any national or state bank (United States), in the amount equal to the estimated cost of City services (i.e. Off-duty Police, Off-duty Fire and Sanitation, etc...), payable to City of Miami Beach, Florida, and conditioned upon the successful execution of the special event. Security deposit of the event producer shall ~~used~~ be applied toward the costs of City services (off-duty police, off-duty fire, sanitation, etc.) hired by the event producer for the special event, or may be forfeited to the City of Miami Beach as liquidated damages, not as a penalty, for the costs and expenses incurred should said event producer fail to execute the special event as specified in the Special Event Application and Permit. The time for execution of the special event and provision of the Bond may be extended by the City's Tourism and Cultural Development Director for good cause shown.

~~Venues are limited to five (5) special event permits per calendar year. Citywide special events and conventions including, but not limited to, Art Basel, Winter Music Conference, and Miami International Boat Show, shall not count against this 5 special event permit annual limitation.~~

- I. **Consecutive-Day Clause/ Limit of permissible events per venue** - In no case shall a permit be issued to an applicant or venue, for substantially similar events, for more than four (4) consecutive days or five (5) non-consecutive ~~periods of not more than four (4) consecutive~~ days each during the course of a calendar year. A separate Special Event Permit shall be required for each individual venue of a multi-venue event. Certain public locations are appropriate for special events, but do not have certificates of use and occupancy defining their use. Such locations shall not be limited to the five (5) non-consecutive days per year limitation.

~~Venues are limited to five (5) special event permits per calendar year. Citywide special events and conventions including, but not limited to, Art Basel, Winter Music Conference, and Miami International Boat Show, shall not count against this 5 special event permit annual limitation.~~

Business or merchant associations are permitted to have events throughout the calendar year that promote and encourage patronage of the businesses in the geographic boundaries of the association. These events may NOT be retail oriented and MUST be free and open to the general public. A Special Event Permit may be required for such events and shall be obtained by the association. Such approvals shall abide by the City's Special Events Requirements and Guidelines.

~~Citywide special events and conventions including, but not limited to, Art Basel, Winter Music Conference, and Miami International Boat Show, shall not count against the aforementioned clause.~~

The City Manager shall have the discretion to approve a Special Event Permit for events which exceed the consecutive day clause/ Limit of permissible events per venue, and shall also have the discretion to amend, modify or temporarily suspend the permit for such events.

- C. **Concession Agreements – Unless calculated Square Footage fee (see D) is greater,** All events which include retail sales or vending will be required to enter into a written concession agreement with the City. Beachfront and non-beachfront events shall provide 15% and 10% respectively of all gross revenues derived from admissions and the sale of food, beverages, and merchandise. In the case where a producer rents booths for the sale of food, beverage and merchandise, the gross rate shall be calculated on the

rental and/or concession revenues received by the applicant or the gross revenue generated by the concessions regardless of whether the applicant derives direct or indirect financial gain from such revenue. Copies of concession agreements and full disclosure of all principals must be provided to the Special Events Office two (2) weeks prior to the event.

A notarized statement, certified by a Certified Public Accountant (CPA), of the above referenced revenue, along with payment of the aforementioned percentage, must be provided to the City no later than thirty (30) days following the event. The Security Deposit on file will not be released until such statement and payment have been submitted to and accepted by the City.

Under the terms of the agreements between the City of Miami Beach and its beachfront concessionaires, there exists exclusivity for rental of beach equipment, water and recreational equipment, food and beverage service on the beachfront, east of the coral rock wall at Pier Park (Biscayne Street to First Street); and east of the sand dune in Lummus Park (from Fifth Street to Fourteenth Lane); Ocean Terrace (73 Street to 75 Streets); and North Shore Open Space Park (79 Street to 87 Streets). Additionally, the City may enter into additional agreements in the future with beachfront concessionaires for other beachfront locations seaward of City-owned property and/or seaward of street-ends at public right-of-ways. Any proposed special event to be held on the beach within one of the aforesaid concessionaire's jurisdiction is subject to review by the concessionaire. Notification to the concessionaire by the applicant must be in writing at least 60 days prior to the event. A copy of the applicant's agreement with the concessionaire or a letter of release from the concessionaire must be submitted to the Special Events Office at least thirty (30) days prior to the event.

Up-land Concession Areas – The City issues licenses to operate beachfront concessions to up-land property owners (areas located behind private property) from Government Cut to 87 Terrace. A written release from upland owner concessionaires is required for events proposed behind private property that may interfere with these up-land concession areas and must be submitted to the Special Events Office at least thirty (30) days prior to the event.

- D. Use of Public Property – Unless Concession Agreement (see C) is greater,** Permit holders will be charged a net square footage rate of \$.25 per square foot for public property occupied by the event for stages, booths, displays or areas restricted for exclusive use by the event. The Square Footage Fee will be calculated in the following manner:

Enclosed Site: Aggregating the square footage of the total fenced area.

Non-enclosed Site: Aggregating the square footage of the individual fixtures of the event (i.e. stages, booths, tents, display areas, bleachers, etc...). When a non-enclosed site effectively privatizes entire sections of public space, the dimensions of the borders of such elements themselves will be used in aggregating the square footage.

The City Manager may, in his/her discretion, waive this fee for events by not-for-profit corporations, or other event, when such waiver is found to be in the best interest of the City. In the case that the permit holder is operating under a concession agreement with the City, the net square footage rate may not be applicable.

- E. Event Signage** - Sponsorship banners and signage are allowed within the designated event site only and may be displayed only during the event. Banners must be immediately removed from the site following the event.
- I. Special Event Billboard Signs** - Up to five (5) banners or billboard signs with a maximum size of 4'x8' may be approved for placement in designated public locations in the City. These signs are required to obtain Design Review approval from the Planning Department. A City application must be submitted to the Planning Department, no later than 60 days prior to the event. A Building Permit is also required prior to installation.
- II. Street Banners** -- Event advertising banners shall not extend or project over any portion of any

street, or right-of-way.

- III. **Lightpost Banners** -- Lightpost banners are permitted in the City when approved by the Planning Department and the City Manager for special events taking place in the City of Miami Beach, and by the City Commission, for special events held outside of the City of Miami Beach. The application process begins at the Planning Department for Design Review approval no less than 90 days prior to the special event. Approved lightpost banner design with the banner locations are then forwarded to the Special Events Office. A \$50.00 per banner fee (\$25.00 per banner fee if applicant is a ~~501(c)(3)~~ 501(c)(3) or other equivalent and verifiable by state record non-profit organizations and verified by state records ~~not for profit entity~~) and \$50.00 processing fee will apply. Lightpost banners on State Roads (i.e. 5th Street, Collins Avenue, 41st Street, etc.) require an additional permit from the Florida Department of Transportation.

F. **Grandfather Clause**

Notwithstanding the requirements described herein, the City recognizes the intrinsic historical, social, and cultural significance and importance of certain longstanding special events held continuously, on an annual basis, within the City. In recognition of such traditional longstanding events, special events in continuous annual operation since 1985 (Miami Beach Festival of the Arts and Art Deco Weekend) are herein deemed "grandfathered-in" solely for purposes of the following items and shall not be subject to these conditions:

- Square footage fee;
- Lummus Park user fee;
- Street closure sign-off requirement;
- Concession Agreement and User Fee; and
- Security Deposit (Security Deposit will remain at \$2,500).

G. **Resort Tax**

All events that include sales of food, beverages, alcoholic beverages, or wine are required to levy a two percent (2%) tax, as per Miami Beach City Code Chapter 102, Article IV. A copy of the aforementioned section of the City Code and the Special Event Resort Tax Return forms are available through the Special Events Office. It is the responsibility of the event producer to collect, complete the form and remit payment to the City.

J. **Sponsorship Requirements**

The following is a list of publicity and credit requirements for events or programs receiving financial or in-kind support from the City of Miami Beach:

- Prominently display City of Miami Beach logo in all promotional marketing materials related to the event/program including, but not limited to, advertisements, brochures, websites, e-mails, newsletters, banners, posters, event programs, and other print and/or electronic publications.
- Include the following credit line in all print news and press releases and broadcast media: "This event/program made possible with support from the City of Miami Beach" and include a quote from City of Miami Beach Mayor.
- One full page full color ad in program guide
- Website link to www.miamibeachfl.gov.
- Events/programs offering travel packages will also provide a link for to the following websites:
 - www.visitmiamibeach.us
 - www.miamiandbeaches.com
- On-stage signage in a prime location (if applicable).
- Provide a booth/display area at all events (if applicable).
- Live announcement(s) during the event by emcee.
- Consistent with Resolution No. 93-20694, All sponsored events/programs shall provide a maximum minimum of four (4) two (2) complimentary tickets for which tickets are available to each of the following City Officials:
 - Mayor and City Commissioners;

- City Manager; and
- City Attorney.

The following City Officials shall each receive a maximum of two (2) complimentary tickets for which tickets are available:

- Assistant City Managers; and
- Special Events Administrator.

Any and all remaining tickets shall be donated to disadvantaged youths, disabled persons, senior citizens of Miami Beach, and other individuals who do not have the financial ability to purchase tickets for such events.

The City reserves the right to negotiate additional terms if in-kind and financial support is in excess of \$25,000.

III. Enforcement and Penalties.

(a) Civil fine for violators. The following civil fines shall be imposed for a violation of this section:

- (1) First offense within a 12 month period a fine of \$1,000.00;
- (2) Second offense within a 12 month period a fine of \$2,500.00; and
- (3) Third offense and subsequent offenses within a 12 month period a fine of \$5,000.00.

(b) Enforcement. The code enforcement department or the Miami Beach Police Department shall enforce the provisions of this section. This shall not preclude other law enforcement agencies or regulatory bodies from any action to assure compliance with this section and all applicable laws. If a Miami Beach Police Officer or a Code Compliance Officer finds a violation of this section, the Miami Beach Police Officer or the Code Compliance Officer shall issue a Notice of Violation to the violator as provided in chapter 30 of this Code, as may be amended from time to time. The Notice of Violation shall inform the violator of the nature of the violation, amount of fine for which the violator is liable, instructions and due date for paying the fine, notice that the Violation may be appealed by requesting an administrative hearing within ten days after service of the Notice of Violation, and that failure to appeal the violation within the ten days, shall constitute an admission of the violation and a waiver of the right to a hearing.

(c) Rights of violators; payment of fine; right to appear; failure to pay civil fine or to appeal.

(1) A violator who has been served with a Notice of Violation shall elect either to:

- a. Pay the civil fine in the manner indicated on the Notice of Violation; or
- b. Request an administrative hearing before a special master to appeal the Notice of Violation within 10 days of the issuance of the notice of violation.

(2) The procedures for appeal by administrative hearing of the Notice of Violation shall be as set forth in sections 30-72 and 30-73.

(3) If the named violator, after issuance of the Notice of Violation, fails to pay the civil fine, or fails to timely request an administrative hearing before a special master, the special master shall be informed of such failure by report from the Code Compliance Officer or the Miami Beach Police Officer. Failure of the named violator to appeal the decision of the Code Compliance Officer or the Miami Beach Police Officer within the prescribed time period shall constitute a waiver of the violator's right to administrative hearing before the special master, and be treated as an admission of the violation, and fines and penalties may be assessed accordingly.

(4) Any party aggrieved by a decision of a special master may appeal that decision to a court of competent jurisdiction.

(5) The Special Master shall adjudicate a violation upon failure to request an administrative

hearing with ten (10) days of the issuance of the Notice of Violation, and shall be prohibited from hearing the merits of the Notice of Violation or consideration of the timeliness of the request for an administrative hearing.

(d) Enhanced penalties.

The following enhanced penalties shall be imposed, in addition to any mandatory fines set forth in (9)(a) above, for violations of this Section:

(1) If the offense is a fourth offense within the preceding 12 month period of time, in addition to the fine set forth in (9)(a), the property owner, event producer or permittee shall be restricted from receiving a Special Event Permit for a three (3) month period of time.

(2) If the offense is a fifth offense within six (6) months following the fourth offense, in addition to any fine set forth in (9)(a), the property owner, event producer or permittee will be restricted from receiving a Special Event Permit for a six (6) month period of time. The property owner, event producer or permittee shall be deemed a habitual offender.

(3) The City Manager may decline to issue future Special Event Permits to such person or entity that have been deemed habitual offenders pursuant to this section for a period of one year, or such other period of time acceptable to the City Manager.

(e) Violations of a Special Events Permit

An issued special events permit will have terms and conditions intended to be followed by the event producer and/or permittee. Should such terms and conditions be disregarded by the event producer and/or permittee, his or her vendors or participants, whether witnessed by City personnel or established by photographic or other evidence or testimony afterwards, the producer and/or permittee would be in violation of the special event permit and be subject to enforcement proceedings as provided by City Code and/or these guidelines.

If the violation of the terms and conditions of the Special Event Permit is observed by City staff during the special event, the special event producer/permittee will be given one (1) hour (60 minutes) or such other time period as may be approved by the City Manager, or his or her designee, to correct that violation. Notwithstanding, the City retains discretion to proceed directly to the issuance of a notice of violation if the violation poses a life safety risk and/or violates conditions expressly provided for in the permit, or if a prior verbal warning for a violation of the Special Event Permit has already been provided to the special event producer/permittee. Multiple violations occurring during the period of the Special Event period shall be treated as one instance when simultaneously observed. Examples of special event permit violations may include, but are not limited to the following, unless specified by the special event permit: violation of the noise ordinance; unauthorized use of public space; use of unpermitted structures or event elements; improper utilization of the Vehicle Access Pass policy; violation of Conditional Use Permit (CUP) approvals or conditions; violation of Florida Department of Environmental Protection (DEP), Miami-Dade Environmental Resource Management (DERM) or Florida Department of Transportation (FDOT) conditions; violation of regular or temporary occupant load; unauthorized use of branding, promotional activities or sampling; damaging public property without prior approval; or inability to effect proper sanitation plan. Any event that takes place without a special event permit or in an area that is ineligible to obtain a special event permit (e.g. specified non-conforming uses) cannot by its nature be corrected and must be cited and shut down immediately.

The City may issue a verbal warning for first time violations in lieu of a first offense fine.

Such fines for violations of the terms and conditions of a Special Event Permit are in addition to and separate from any violations issued by the City for noncompliance with other sections of the City Code including, but not limited to, noise, litter (commercial handbills), etc. The event security

deposit will be held until the appeal period for the violation of the terms and conditions of the special event permit has lapsed; the Special Master has made a determination on the case; or in the event of no appeal, to satisfy any fines. The City reserves its rights to pursue alternate enforcement proceedings and penalties as provided for and allowed by law.

IV. CITY OF MIAMI BEACH AGENCIES

A. Building Department

- I. ***Building and Electrical Permits*** - Pursuant to the South Florida Building Code, the City's Building Department must issue a building permit for all special events involving temporary construction or the use of temporary electrical power., Examples of temporary construction include, but are not limited to, freestanding tents, stages, fences, bleachers, and electrical. The applicant must present a copy of the Building Permit to the City's Special Events Office at least ~~two~~ fifteen ~~(2)~~ (1415) weeks ~~fourteen~~ (1415) days prior to the event.
- II. ***Americans with Disabilities Act*** - All special events must be designed and operated in a manner to be in compliance with Chapter 553, Florida Statutes (the Florida Accessibility Code). The following checklist is provided for guidance as to how compliance must be achieved:
 1. Ensure curb cuts and cross walks are kept free and clear for usage, with a continuous accessible route of 44 inches in width.
 2. The Event producer must ensure that any nearby accessible on- or off-street parking ("handicapped parking") is not obstructed by vehicles loading/unloading equipment, etc. If such obstructions occur, the Event producer must see that such obstructions are removed immediately. Accessible parking spaces shall be connected to the site's continuous accessible route, with no obstructions between the accessible parking spaces and the curb ramps that serve those spaces.
 3. Any and all accessible routes created and/or installed by the Event producer, or under the Event producer's supervision, must have no abrupt change in level in excess of ¼ inch. Where such changes in level are present, properly bevel the change in level at a 1:2 ratio or provide a ramp with a slope not to exceed a 1:12 ratio. This is necessary to allow passage of wheelchairs or strollers and prevent tripping or the catching of walkers and canes. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
 4. Provide a smooth transition between temporary pathways and any ramps, sidewalks, streets, or parking lots. This means no change in level exceeding ¼ inch. Any change exceeding ¼ inch requires beveling at a 1:2 ratio or the installation of a ramp with a slope not to exceed a 1:12 ratio. Any ramps provided must be in compliance with all Florida Accessibility Code requirements, including, but not limited to, requirements regarding edge protection, handrails, and surface.
 5. All cashier counters (counters where money transactions occur) must be no higher than 36 inches maximum above finish floor, for a minimum length of 36 inches.
 6. Maintain an accessible route for access to merchandise that is both within a vendor space, as well as merchandise not contained within a vendor space. If the overflow of merchandise for patron viewing is placed behind a booth, then provide adjacent access to the merchandise via a curb ramp, as well as the placement of a pathway with a stable and firm surface necessary for the use of wheelchairs and mobility aids.
 7. Merchandise for display should be within a line of sight no higher than 48 inches for persons of short stature or wheelchair users. If merchandise is displayed higher than 48 inches, merchant must provide assistance to disabled customers in order to reach items.

8. All vendor spaces shall be located on an accessible route that is a minimum of 44 inches wide.
9. If tables and seating are provided for the consumption of food, all aisles adjacent to accessible fixed seating shall provide 30 inch by 48 inch clear floor space for wheelchairs. Where there are open positions along both sides of such aisles, the aisles shall be not less than 52 inches wide.
10. For wheelchair seating spaces provided at tables or counters, knee spaces at least 27 inches high, 30 inches wide, and 19 inches deep shall be provided. The tops of accessible tables and counters shall be from 28 inches to 34 inches above the finish floor or ground.
11. Where food or drink is served at counters exceeding 34 inches in height for consumption by customers seated on stools or standing at the counter, a portion of the main counter which is 60 inches in length minimum shall be provided in compliance with the requirements of Items #9 and #10 above, or service shall be available at accessible tables within the same area.
12. Where portable toilets are provided, an accessible route shall be provided to the toilets. Five percent (5%) of the total number of toilets must be accessible. If clusters of portable toilets are distributed throughout the site, then each cluster must have accessible units.
13. If general assembly seating or standing space is provided for audience members attending a public performance at a special event, reserved wheelchair seating must be provided. Such seating must be provided in a location that allows wheelchair users an unobstructed line of sight to the stage. If seating capacity accommodates greater than 300 persons, then accessible seating shall be dispersed throughout the venue.
14. All flyers and written promotional materials for the event should be made accessible to people with disabilities, including those with hearing and visual impairments. It is recommended that the following statement be included on promotional materials: "Call [your number followed by word "voice"] or the Florida Relay Service (TTY) at 711 to request material in accessible format; sign language interpreter (5 days in advance), or information on access for persons with disabilities". Sign language interpretive services must be provided, if requested by the City five (5) days in advance of the event.
15. For performers who are disabled, all stages, show mobiles and dressing areas must be accessible.
16. All ADA considerations must be identified and detailed on the site plan. The site plan will be submitted to the Building Department Accessibility Plan Reviewer for approval.

B. Code Compliance

- I. **Field Inspector** – The City may require the applicant to hire a Field Inspector and/or a Code Compliance Officer to serve as an overall on-site coordinator, whose responsibility will be to ensure that all services are provided, the event runs smoothly, and that all Federal, State and local rules, regulations and ordinances are complied with. Special event producers agree and understand that a **Field Inspector and/or a Code Compliance Officer**, which will report to and be under the direction of the City, may be required in order to ensure compliance, as approved by the special event permit, and the conditions imposed with the issuance of such permit. Enforcement includes all activities leading up to, including, and following the conclusion of permitted endeavors. Event producer further agrees and understands that any and all costs associated with such Field Inspector and/or Code Compliance Officer shall be borne by the producer and reimbursed to the City prior to refund of security deposit pursuant to **Section A (VII)** herein. ~~Producer's responsibility for the costs associated with such Field Inspector or Code Compliance Officer shall be limited to twenty-seven dollars (\$27) per hour.~~

Field Inspector and/or Code Compliance Officer ~~will~~ may be required for all events with expected

attendance of 1,000 persons or greater. Field Inspector/Code Compliance Officer requirement for all other events will be determined on a case by case basis.

- II. **Signs (Flyers) & Hand Bills** - The City regulates the distribution of flyers, handbills or stickers. Specifically, distribution of handbills upon premises of another when requested not to do so is prohibited as per City Code Section 46-117, and placing or distributing any handbills on vehicles is prohibited as per City Code Section 46-118. Violations will be issued by Code Compliance for violations on public property and for handbills placed on automobile windshields carrying a fine of \$50 for each sign (flyer) or handbill and a \$23 removal charge per sign.
- III. **Noise Ordinance** - The City prohibits unreasonable and disruptive noise that is clearly incompatible with the normal activities of certain locations at certain times. Both the Miami-Dade County Noise Ordinance, Section 21-28 of the Code of Miami-Dade County, and City of Miami Beach Noise Ordinance, Article IV, Sections 46-151 to 46-162, are applicable and enforceable to both public and private property within the City. These Ordinances make it unlawful for any person to make, continue or cause to be made any loud, excessive or unusual noise. If the excessive noise occurs between the hours of 11:00PM and 7:00AM in such manner to be plainly audible at a distance of 100 ft from the building, structure or vehicle in which it is located, this shall be prima facie evidence of a violation of the Ordinances.

If a noise violation occurs, the enforcing Code Compliance Officer will require that the noise be lowered to an acceptable level. ~~Failure to do so, or a second confirmed violation within one 24 hour period, will result in the Police Department being notified. Failure to comply with a request from the Department of Code Compliance or the Police Department concerning violation of the Ordinances may result in the immediate revocation of a Special Event Permit and/or arrest.~~ immediate cease and desist of event activity.

C. Fire Department

- I. **Off Duty Fire & Paramedic Services** - Depending upon the type of event and estimated attendance, off-duty or private fire rescue personnel may be required at the expense of the applicant. As a general rule, a minimum of one paramedic for up to 1,000 people and two paramedics for up to 5,000 people, and a rescue unit for up to 10,000 people, which consists of 2 paramedics and a team leader, are required. Enclosed events and tents over 400 square feet may require off duty Fire Inspectors depending on the type of event and estimated attendance. The City of Miami Beach assumes no liability arising or resulting from the determinations of minimum staffing levels or the requirements for any events.

The final decision for the minimum number of Fire Rescue/Prevention personnel required will be determined by the City's Fire Chief or his/her designee.

- II. **Enclosed Events Site Plan And Occupant Load** - Site plans for enclosed events requiring fencing or tenting must be submitted for review and approval to the City's Fire Department. Building Department permits cannot be issued until the Fire Department approves the event site plan. Non-substantial on-site adjustments to site plans may be made in consultation with and approval of the City's Fire Marshal, or his/her designee. The Fire Department requires a 20 foot emergency vehicle access lane between easternmost portion of the sand dune and any fencing or tents for all beachside events.

Enclosed events are required to adhere to an occupancy number, as well as comply with the requirements determined by the City's Fire Department, once site plan is approved. A walk-through to verify that the actual setup meets with the approved plan will be conducted prior to the event opening. Event promoters are responsible for adhering to the determined occupancy number and any violation of the occupancy number can result in penalties and /or fines.

- III. **Fireworks Permit** - All events, public or private, featuring a fireworks display or pyrotechnics must obtain a fireworks permit from the City's Fire Department. A written request for the permit must be submitted to the Fire Department at least 30 days prior to the event and approved no later than 11 days prior to the event.

Following approval of the permit, the Fire Prevention Bureau will make a site inspection. A minimum of two (2) fire fighters will be required to be on-site from the time the fireworks are delivered at the site, until termination of the display and the removal of all fireworks and debris from the site. Payment for required fire personnel will be the sole responsibility of the applicant and must be made two (2) weeks prior to the event.

The firm or individual responsible for setting up and setting off the fireworks must obtain a Comprehensive General Liability or Fireworks Display Liability Insurance policy (see Insurance Section for language and rating requirements).

- IV. **Open Pit And Bonfire Permit** - Separate permits are required for open pit and bonfires. Applications for a permit may be obtained from the Fire Department, and must be approved and paid to the City at least two (2) weeks prior to the event. These activities will require hiring off-duty fire personnel. Such activity on the beachfront is subject to Florida Department of Environmental Protection regulations governing heat transference and lighting during Marine Turtle nesting season (May 1- October 31).

D. **Miami Beach Convention Center**

On occasion, events, meetings and/or conventions taking place at the Miami Beach Convention Center (MBCC) may desire extending their production onto Convention Center Drive, between Dade Boulevard and 17 Street, and into the City's Preferred Parking Lot. In such event, the City considers this use an extension of the MBCC premises. As such, all City requirements including, but not limited to insurance, indemnity agreement, site plan, security plan, and sanitation plan will be incorporated into the respective event's agreement with the MBCC and will be coordinated by the MBCC.

The MBCC will complete a special event questionnaire (please refer to attached Appendix C) and provide the Department of Tourism and Cultural Development a copy of all required documentation pertaining to the event for the department file. If street closures are requested, the Department of Tourism and Cultural Development will assist in coordinating this request, as well as all other items as may be required.

E. **Ocean Rescue**

Depending upon the location and type of event, estimated attendance, and hours of operation, off-duty lifeguards may be required. The Captain of the City's Ocean Rescue will determine the minimum number of lifeguards.

F. **Parking Department**

Overall Parking Plan - A comprehensive Parking Plan which identifies where parking is to be provided for event staff, equipment vehicles, and event participants, as well as the location and amount of accessible parking spaces must be developed, in writing, and approved by the City's Parking Director or his designee. Public parking resources may be supplemented with privately owned parking areas to accomplish this plan. All fees incurred through use of Parking Department resources, which may including meter rentals, off-duty enforcement officers or rental of lots, must be pre-paid in full no later than two (2) weeks prior to the event.

- Valet ramping spaces are to be used exclusively for ramping and valet related operations. All other activities are explicitly prohibited.
- Parking meters shall not be used for advertising or marketing related activities, unless associated with a special event as defined herein.

G. Parks and Recreation Department

- I. **Facilities and Personnel** - Many City of Miami Beach recreation facilities, amphitheaters, and parks are available for rent during non programmed hours for special events, and have specific fees, based upon hours of usage, including setup and breakdown times. Request for usage must be at least one month prior to the event. Rental payments for such facilities must be made two weeks prior to the event. Proof of payment must be submitted to the Special Events Office. Applicable user criteria will be available for park venues through the Parks & Recreation Department.

Depending upon the venue, nature and scope of the event, the hiring of City of Miami Beach Parks and Recreation personnel may be required. A City facility (e.g., a building) used for a special event must be staffed by a City employee. Depending on usage, additional facility staff, janitorial service and electrical staff charges may be applicable. Payment for the staffing is the sole responsibility of the applicant, and must be received no later than two (2) weeks in advance of the event.

II. **Park User Fees**

Park User Fees - A special event impact fee will be imposed for all events taking place at a City Park including, but not limited to, Lummus Park, South Pointe Park, Collins Park, Flamingo Park, SoundScape and North Shore Open Space Park. Lummus Park includes the area east of Ocean Drive, the park itself, and the beachfront east of the park from 5 – 15 Streets. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used exclusively for enhancements to those parks utilized by said events.

Lincoln Road User Fee

For events taking place on Lincoln Road, or Lincoln Lane or the finger streets from Lincoln Lane South to Lincoln Lane North along Lincoln Road, a special event impact fee will be imposed. This supplementary user fee will be calculated at the rate of twenty-five (25%) percent of the total cost of City services for the event. These funds will be used to enhance Lincoln Road. Due to the pedestrian nature of Lincoln Road, no motor vehicles are allowed between Washington and Lenox Avenues. Due to the unique characteristics of the 1100 block of Lincoln Road, impact fees derived from events taking place in this area shall be separated and used to enhance the 1100 block of Lincoln Road exclusively.

H. Police Department

- I. **Security Plan and Services** - Depending upon the type of special event and estimated attendance, security personnel, such as off-duty police personnel and private security personnel, may be required.

The Security Plan shall be prepared by the event producer in consultation with the Office of Special Events and the City of Miami Beach Police Department's Off-duty Office. The plan shall specify the number of off-duty officers or private security guards, if applicable, hired by or expected to be hired by the applicant. At the option of the applicant, the entire security personnel may be comprised of off-duty police personnel.

Cost of off-duty police personnel is dependent on the number and rank required. As a general rule, if four or more officers are required, one must be a supervisor (sergeant or above). Larger contingents of officers may require additional police supervisors.

Payment for off-duty police services, based on the estimate, is required to be paid in full no less than two (2) weeks in advance of the event. Payment adjustments for off-duty police services, based on a final invoice, is required to be paid in full no more than two (2) weeks after the event.

The Chief of Police or his designee will make the final determination of minimum levels of police security.

Any private security personnel contracted for by the applicant must be licensed by the State of Florida. ~~If security personnel is~~ If security personnel are to be hired, a list of names and license information must be provided to the City's Police Department no less than two (2) weeks in advance of the event.

The City's Police Department may require additional security or off-duty police personnel for crowd control, traffic control and general security during the event. The minimum number of police personnel is dictated by the Off-duty Police Coordinator and is dependent upon the type of event, date of event, time of event, location of event, the site plan for the event, the type of entertainment during the event, whether alcohol is consumed at the event, and the estimated attendance at the event.

- **Overnight & Backstage Security** -- Applicants may contract, at their own expense, for off-duty police services or with private security guards for overnight and backstage security concerns. On-stage security will be handled by private security at the applicant's expense.
- **Marine Patrol** - All water-based special events, or those activities likely to attract crowds to or near the water, must provide prior written notice to the Miami Beach Police Marine Patrol and Beach Patrol. Certain events may require prior written authorization from the United States Coast Guard and may also require off-duty services and equipment from the City's Marine Patrol, Florida Marine Patrol, or United States Coast Guard, at the expense of the applicant. In such cases, written authorization is required no later than thirty (30) days prior to the event.
- **Police Escorts for Entertainment** - If so requested, the City may supply police motorcycles or car escorts for entertainers. This service must be arranged in advance of the event and must be listed in the proposal for the event. The cost for this service is determined by the City's Police Department and will be at the applicant's expense.

- II. **Street Closures** - Certain streets within the City of Miami Beach may be temporarily closed to limit or exclude vehicular and/or pedestrian traffic prior to, during, and after any special event. Depending upon the location, additional approval may be required from Miami-Dade County or the State of Florida. The City Manager, in his/ her discretion, may also require applicants to provide "sign-offs" showing approval from a majority of landlords and/or residents (or their group representatives) whose direct vehicular access to buildings will be affected by the proposed closure. Regardless of the jurisdiction, the Chief of Police and the City's Public Works Director must first approve street closures with final approval retained by the City Manager. Requests for street closures must be made at least forty-five (45) days prior to the event.

In closing a State street (i.e., 5 Street, Collins Avenue, 41 Street, Alton Road, 71 Street, and Harding Avenue) prior approval is required by the Chief of Police, City's Public Works Director, and City Manager. The application must be processed at least 30 days prior to the event. The applicant must then forward the completed application to the Florida Department of Transportation (FDOT) to receive ~~and the~~ the FDOT permit. FDOT must receive application at least 30 days prior to the event.

In order to close a County street (i.e., Venetian Causeway/17th Street) the application will be forwarded to the Miami-Dade County Public Works Department by the City's Police and must be received at least 30 days prior to the event in order to send to the County for processing.

- III. **Barricades & Electronic Signs** - Barricades and electronic directional signs may be required, depending upon the location and/or site plan of the event, to cordon off the surrounding areas or to close streets to vehicular traffic. The City's Police Department, along with the Parking Department, will determine the number and location of barricades.

The rental cost of barricades and electronic directional signs will be incurred directly by the event producer. Payment is the sole responsibility of the applicant, as is actual set-up and removal of barricades on the event date(s).

- IV. Parade Requirements** –The City Code defines "Parade" as any march or procession consisting of persons, animals, vehicles or any combination thereof, traveling upon any public way, within the territorial jurisdiction of the City. All parades must abide by Section 106-346 of the City Code. Pursuant to this Code Section, a separate permit to hold a parade must be obtained from the Chief of Police. The permit application must be filed not less than 15 days nor more than 90 days prior to the day on which it is proposed to be held, and simultaneously copied to the Special Events Office.

The Chief of Police may revoke a parade permit at any time he determines the parade is to be conducted or is being conducted in violation of the terms of issuance. Any applicant aggrieved by the Chief's decision may appeal it to the City Manager.

- V. Demonstrations, Pickets and Free Speech Activities** - The First Amendment of the United States Constitution affords demonstrators the constitutional right to assemble and speak in a peaceful and orderly manner. Therefore, the City shall not require or issue permits for such activity. Demonstrations and pickets consist of activities which are generally performed in public in support of or against a person or cause and which may have the potential for impeding movement along a public right-of-way or other disruption. Organizers of such events are asked to submit a questionnaire, site plan, and to notify the City of Miami Beach Police Department Patrol Division Commander of their intentions, and to provide details of the planned activity in order to ensure the health safety and welfare for all concerned. If requested by the Special Events Office, a copy of an approved Police plan should be provided. There may be instances where the nature of the demonstration and/or the number of participants (including counter-demonstrators) will require restrictions in order to protect the health, safety and welfare of every citizen by means of providing crowd control, traffic control and general security to the public. Such restrictions will be communicated to the individual or group prior to the activity. The Special Event Permit Requirements do not apply to such activities. Demonstrations, Pickets and Rallies must abide by Section 106-346 of the City Code.

I. Property Management

Based on the electrical, engineering and/or plumbing impact of a special event on City property, the applicant may be required to hire City electricians, engineers or plumbers.

J. Public Works Department

Environmental Resource Management

These items listed below are to intended help preserve the health and welfare of the City of Miami Beach's coastal areas.

Vehicles

- Vehicles allowed to access and remain parked on the beach during an event **MUST** display a temporary parking placard
- All vehicle access to the beach is restricted. Access points **MUST** be identified by City staff for each event.
- All vehicles shall require a police or beach patrol escort when crossing on to the hard pack (beach) and at all times east of the Erosion Control Line.
- All vehicles should utilize lights and flashers when traveling on the beach

Parking

- Any vehicle parked on the beach shall be prevented from distributing fluids on the ground (sand) by

the placement of an absorbent pad under the engine compartment – these pads shall be properly disposed off once the vehicle vacates the beach

- All vehicles parked on the beach shall have cones placed at the front and rear of the vehicle

Fuel

- The storage of any petroleum product or chemical shall be prohibited unless prior approval has been issued by the City – storage of such material shall be in accordance with life safety and environmental regulations – storage shall be in appropriate spill proof containers for type of chemical, shall be stored a significant distance away from any population, storage area shall contain signage identifying the storage site and indicating which type of chemicals are being stored – required clean up of any chemicals will be at the expense of the applicant
- The fueling of vehicles on the beach (event site) shall be strictly prohibited unless given a special fueling permit where the applicant must act according to approved standards – fuel must be stored in spill proof containers etc. Such a permit is only approved by the City's Environmental Division.

Temporary Construction

- A site inspection, by the City, shall be required prior to and after an event to ensure that the event site and surrounding area has been restored to a clean and acceptable condition
- When possible, tents shall be secured with water barrels in place of ground stakes – where ground stakes are used, the holes shall be filled, compacted and area raked or graded to restore to natural conditions
- Any structures requiring permits from the City's Building Department or Public Works Department shall be required to be reviewed by the City or County Division of Environmental Resource Management (DERM) for potential environmental impacts

Live Animals

- The incorporation of animals in any special event shall require adequate ground cover under cages – material shall be absorbent in nature and not permit the transfer of fluids to the ground.

Dune System

- Absolutely no activity is permitted within protected dune area – a minimum of a 20' setback west of the west end of the dune and 20' east of the east dune line shall be required.
- Pedestrian traffic to special events shall only use demarcated pathways and dune crossovers for ingress and egress to event site.
- Directional signage must be provided when public access at a dune crossover is blocked.

Beach Impacts (other)

- Special Events occurring during hurricane season shall have an emergency evacuation plan that will go into effect within eight (8) hours of a hurricane warning and be completed within twenty-four (24) hours – all equipment, material, staff, staging, vehicles and associated appurtenances shall be removed from event site within the allotted time

Right-of-Way Permit-- A Right-of-Way Permit must be obtained when there is anchoring to or excavation of any right-of-way or City property. The method of anchoring or location of any excavation may be denied or altered by the City based on potential hazards to existing utilities. The cost for such permit will be pursuant to City ordinances (concerning work on the right-of-ways) and may include a cash bond based on estimated potential damage to City property. Proof of financial ability to cover estimated damages must be submitted to the Special Events Office. For events occurring on City streets or sidewalks, an inspector from the Public Works Department will inspect the area in question prior to the event for any hazards, potholes or damaged fixtures. Any problems will be repaired or noted. A visual inspection will take place following the event to identify any damage to City property caused by the event.

Any identified damages in the City right-of-way, on termination of the permit, will have to be repaired by the event producer within a time specified by Public Works. If the producer fails to complete these repairs in a timely manner or wishes the City to complete such restoration work, then costs incurred by the City,

including reasonable overhead expenses, will be deducted from the Security Deposit and the event producer will be charged for any, such costs not covered by the deposit (as per Section A Step 1).

K. Sanitation Department

Applicants shall be solely responsible for cleaning the area during and after the event. Should the applicant choose, the City will provide personnel for this function. The cost of the clean-up will be calculated by the City, and will include dumping fees and equipment rental. Should an alternate cleaning service be contracted, the applicant shall be responsible for obtaining all necessary dumpsters. All arrangements and removal of garbage, trash, and other debris are the sole responsibility of the applicant. A City permit authorizing placement of dumpsters must be obtained through the City's Sanitation Department, and submitted to the Special Events Office no less than two (2) weeks prior to the event. Applicants are required to meet sanitation standards to assure an adequate number of litter containers are on-site, and must encourage guests to comply with the City of Miami Beach's anti-litter efforts. Glass containers and plastic straws are prohibited. Recycling efforts are encouraged. Applicants shall ensure that the event site is returned to its original condition within twenty-four hours. Failure to clean up after the event will result in a fine (as per Section III herein) issued to the event producer, as well as additional charges for City services.

Applicants seeking use of public restroom facilities outside of standard operating hours may also be required to hire attendants to facilitate public restroom maintenance and supplies during the event. These services may be contracted through the Public Works Department. Proof of payment must be submitted to the Special Events Office at least two (2) weeks prior to the event.

V. OTHER AGENCIES

A. The Miami Beach Visitors and Convention Authority (VCA) and Cultural Arts Council (CAC)

The City of Miami Beach does not directly fund special and cultural events. The VCA and CAC utilize City funds for the purpose of special and cultural event funding. Approval of an application for funding by either the VCA and/or the CAC shall not constitute either expressed or implied approval of a special event permit by the City of Miami Beach. Should the VCA or CAC fund an event, the appropriate logo shall be incorporated in all event print advertising or promotional materials, as per the funding terms and conditions of the VCA and / or the CAC.

B. Miami-Dade County

- **Permit for Temporary Food Sales** - The Miami-Dade County Department of Business and Professional Regulations, Division of Hotels & Restaurants, sets forth rules and regulations for safe operation of temporary food service establishments. To obtain the necessary permits, sponsors or applicants must notify the Department of Business and Professional Regulations no later than three (3) business days prior to the event. A license fee for a 1-3 day event is \$40.00 per vendor.
- **Beach Cleaning** - Applicants desiring use of the public beach must arrange for the cleaning of the beach, prior to, as well as after, the event, as necessary. Beach cleaning may be arranged with the Miami-Dade County Parks Department or a private sanitation company approved by the Miami-Dade County Parks Department. Proof that clean-up arrangements have been made must be submitted in writing to the Special Events Office at least two (2) weeks prior to the event.

C. State of Florida

- **Department of Environmental Protection, Division of Beaches and Shores** -- If an event is to be held on the beach, a State Field Permit is also necessary for all temporary non-portable structures on the beach, east of the Coastal Construction Control Line. This would include, but not be limited to, the following types of temporary structures: stages, fences, tents, lighting and sound

systems. A detailed site plan and written narrative description of all installations must be submitted to the Special Events Office no later than 60 days prior to the event.

As conditions of the State Field Permit, the State also calls for the protection of marine turtles during the marine turtle nesting season, beginning May 1, and ending October 31, in Miami-Dade County. Conditions relevant to areas east of the Coastal Construction Control Line (CCCL) include: structures to be constructed and left overnight, including temporary fencing, shall have 3 feet of vertical clearance and shall be located as far landward as possible; no lighting associated with the event is authorized after 9:00 pm without approval from the State of Florida; and permit holders may be required to hire turtle monitors from sundown to sunrise. Other conditions, as prescribed by the State may apply.

Events requiring exemptions from any of the above marine turtle nesting conditions will need to provide the City with written approval from the State of Florida Wildlife Commission.

Florida Statutes, Chapter 161, calls for the protection of beach dune systems and impose fines for damage caused to the natural dune systems along the Beach. It is the responsibility of the applicant to provide adequate security measures to ensure protection of the dune area from damage that may be caused by an event.

- **Division of State Lands** -- Depending on the type and nature of the event(s), the Division of State Lands has the right to negotiate a separate use agreement with the special event producer and will charge for the use of the land. This fee may include a contribution to the State Lands Trust Fund, as well as a use fee, and would require State of Florida Cabinet approval. If applicable, proof of the Division of State Lands approval shall be submitted to Department of Tourism and Cultural Development before a permit is issued.
- **Florida Marine Patrol** - Any type of water activity held within the City of Miami Beach must give notice to the Florida Marine Patrol. Notice must be in the form of a letter, with a copy to the City provided no less than two (2) prior to the event.
- **Division of Alcoholic Beverages and Tobacco** -- If the event is being produced by a not-for-profit organization which desires to sell or serve alcohol, the organization must apply for a temporary liquor license from the State of Florida, Division of Alcoholic Beverages and Tobacco under Florida Statute 561.42. In order to obtain the license from the State, a letter of authorization must be obtained from the City. Prior to the issuance of this letter the following must be submitted:
 - * Certificates of all applicable insurance including, general liability and liquor liability.
 - * A completed Indemnity Agreement.
 - * A signed letter on letterhead from the non-profit organization agreeing to have the temporary liquor license in the organization's name.
- **Florida Department of Transportation**

Lightpost Banners -- Banners proposed to be placed on State Road lightposts require an additional permit from the Florida Department of Transportation, following Design Review approval from the City's Planning and Zoning Department and approval from the Miami Beach City Commission. Depending upon the scope and nature of the event, additional State permits may be required.

D. Federal Government

- **Federal Aviation Administration** - Any type of unusual air activity above the City of Miami Beach planned in conjunction with a special event, which has the potential to disrupt commercial air

traffic, must be approved by the Federal Aviation Administration (FAA). Approval will be requested through the City's Department of Tourism and Cultural Development on the applicant's behalf.

- **Coast Guard** - Any individual or organization planning to hold a regatta or marine parade which, by nature, circumstances or location, will introduce extra or unusual hazards to the safety of lives on the navigable waters under the jurisdiction of the U.S. Coast Guard, shall submit an application to the Coast Guard District Commander having jurisdiction of the area where it is intended to hold such regatta or marine parade. Examples of conditions which are deemed to introduce extra or unusual hazards to the safety of life include, but are not limited to; an inherently hazardous competition; possible effect on the customary presence of commercial or pleasure craft in the area; any obstruction of navigable channel which may reasonably be expected to result; and the expected accumulation of spectator crafts.

Where such events are to be held regularly or repeatedly in a single area by an individual or organization the District Commander may, subject to conditions set from time to time by him/her, grant a permit for such series of events for a fixed period of time, not to exceed one (1) year.

The application shall be submitted to the Coast Guard no less than 30 days prior to the event.

The application shall include the following details:

- 1) Name and address of sponsoring organization.
- 2) Name, address, and telephone of person or persons in charge of the event.
- 3) Nature and purpose of the event.
- 4) Information as to general public interest.
- 5) Estimated number and types of watercraft participating in the event.
- 6) Estimated number and types of spectator watercraft.
- 7) Number of boats being furnished by sponsoring organizations to patrol event.
- 8) A time schedule and description of events.
- 9) A section of a chart or scale drawing showing the boundaries of the event, various water courses or areas to be utilized by participants, officials, and spectator craft.

VI. SPECIAL EVENTS FEE SCHEDULE

SPECIAL EVENTS FEE SCHEDULE

SPECIAL EVENTS PERMITS			
average attendees per day	Application Fee	Permit Fee	Security Deposit
0 to 1499 attendees	\$250.00	\$250.00	\$2,500.00
1500 and above to 5000 attendees	\$250.00	\$500.00	\$5,000.00
5000+ attendees	\$250.00	\$500.00	\$10,000+

Late Application Fee: \$500.00/\$250.00- A late application fee, equivalent to the determined application fee per above, will be charged if application is received later than required deadline (60 days for events on public property; 30 days for events on private property), and/or if requirements for approval of special event permit are not received in the Office of Special Events 14 days before load in of event commences.

REINSTATEMENT Fee: \$250.00/ \$500.00 - A late submittal fee, equivalent to the determined permit fee per above, will be charged when requirements for approval of special event permit are not received in the Office of Special Events fifteenfourteen (145) days before load in of event commences.

Security Deposit: \$2,500/\$5,000/ \$10,000/ \$20,000+ - A refundable security deposit will be required no later than thirty fifteenfourteen (14530) days in advance of the event. Based on the scope and location of the event, a pre- and post-event site inspection may be conducted by the applicant and appropriate City personnel to determine existing conditions and evaluate potential damages, if any. Security deposits will be refunded approximately in 3-44-6 weeks after event if all conditions are followed; public property is left in as good condition or better and without damage and all City invoices paid. Failure to comply with conditions imposed may result in forfeiture of the entire or part of deposit.

WEDDING/ CEREMONY PERMITS

	Permit Fee
Per Wedding/ Ceremony use	\$125.00

TEMPORARY SAMPLING PERMITS

	Permit Fee	Security Deposit
Per team, per day (5 persons total in the same vicinity)	\$2,000.00	*\$2,500.00

OTHER SPECIAL EVENT FEES

Vehicle Beach Access Pass: \$150.00 per pass/per vehicle/per event.

Square Footage Fee: \$.25 per square foot + 7% Sales Tax (N/A with a Concession Agreement).

AND/OR

Concessions Agreement:

- o Beach Events: 15% of food, beverage, ticket sales and merchandise.
- o Non-Beach Events: 10% of food, beverage, ticket sales and merchandise.

Taxes: You are required to pay a 7% State sales tax and a 2% Resort Tax (on food and beverage only). Please remit the 2% Resort Tax payment on a separate check.

Lummus Park User fee: 25% of the total City Services not including administrative fees.

Lincoln Road User fee: 25% of the total City Services not including administrative fees.

Light Pole Banners

Banners announcing special events either to be held in city or to be associated in some manner with the city, as determined by the city commission, may be erected up to 30 days prior to the event being announced and must be removed within seven (7) days after such event. Special event banners shall require prior approval by the city commission. Fees:

- \$50.00 per pole For-Profit/ \$25.00 per pole Non-Profit
- \$50.00 administrative fee – per application

Building Department Permit fees: Please contact the Building Department for fee schedule please call 305-677-7610 or visit www.miamibeachfl.gov.

- o Tent Permit; Fence Permit; Stage Permit; Electrical Permit; Bleachers Permit; Restroom (Port-a-lets) Plumbing Permit ; Pool cover Permit; Temporary Occupant Load.

Police Department: For information on off-duty Police services please contact off-duty at 305-673-7823.

Fire Department: For information on off-duty Fire services please contact off-duty Fire at 786-412-1076.

Parking Meter Rentals: \$10.00 per space or meter/per day + plus administrative fees. Please contact the Parking Department at 305-673-7505 for more information.

*** Application fees are not refundable; permit fees and security deposits are reimbursed if the event/activity is cancelled, denied, or postponed and given that public property is left in good condition and without damage and all City invoices paid. Failure to comply with restrictions imposed automatically forfeits the security deposit.

*** Additional charges may apply.

VII. Special Event Class Matrix

	Event type	Application Deadline	Max Attendance	Security Deposit	Application Fee	Late Application Fee	Permit Fee	Late Submittal Fee	Square Footage Fee	Use of Public Property	Insurance	Indemnity	Site plan	Sign-offs	Notifications	Bldg. Permits Allowed	City Services Required	Maximum Load In + Load Out
Wedding/Ceremony	15 Days	150	\$ -	\$ -	\$ -	\$ 125	\$ -	N	Y	N	N	Y	Y	N	N	N	6 hrs	
Special Event - Class C1	15 days	Existing Occ load	\$ 2,500	\$ 250	\$ 250	\$ 250	\$ 250	N	N	Y	Y	Y	Y	Y	N	N	1 day	
Special Event - Class C2	30 days	Temp. Occ. Load	\$ 2,500	\$ 250	\$ 250	\$ 250	\$ 250	Y	Y	Y	Y	Y	Y	Y	Y	Y	1 +	
Special Event - Class G1	30 days	150	\$ 2,500	\$ 250	\$ 250	\$ 250	\$ 250	Y	Y	Y	Y	Y	Y	Y	N	N	2	
Special Event - Class G2	60 days	Up to 1500	\$ 5,000	\$ 250	\$ 250	\$ 250	\$ 250	Y	Y	Y	Y	Y	Y	Y	Y	Y	7	
Special Event - Class G3	60 days	1500-5000	\$ 10,000	\$ 250	\$ 250	\$ 500	\$ 500	Y	Y	Y	Y	Y	Y	Y	Y	Y	14	
Special Event - Class G4	60 days	5000+	20000+	\$ 250	\$ 250	\$ 500	\$ 500	Y	Y	Y	Y	Y	Y	Y	Y	Y	14 +	

